



KNIGHTDALE TOWN COUNCIL MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

January 4, 2010

The Knightdale Town Council met at 7:00 p.m. at Knightdale Town Hall, 950 Steeple Square Court, Knightdale, NC.

PRESENT: Mayor Russell Killen; Mayor Pro Tem Chalk;
Councilors Jeff Eddins, Terry Gleason, Tim Poirier.

ABSENT: Councilor James Roberson.

Staff Members Present: David York, Interim Town Attorney; Gary McConkey, Town Manager; Seth Lawless, Assistant Town Manager; Fred Boone, Town Engineer; Chris Hills, Planning Director; Jeff Triezenberg, Planner II; Tracy Pedigo, Public Works Director; Shawn Brown, Public Safety Director; Anne Strickland, Legislative Intern.

Meeting called to order by Mayor Killen at 7:01 p.m.

WELCOME

Welcome by Mayor Killen.

INVOCATION

Invocation by Mayor Pro Tem Chalk.

ITEM I. ADOPTION OF AGENDA

**...Motion by Councilor Gleason to adopt the agenda.
Motion seconded by Councilor Poirier and carried unanimously.**

ITEM II. APPROVAL OF MINUTES

December 16, 2009

**...Motion by Councilor Eddins to approve the minutes of
December 16, 2009. Motion seconded by Mayor Pro Tem Chalk
and carried unanimously.**

ITEM III. PRESENTATIONS, RECOGNITIONS, AWARDS

ITEM V. PUBLIC

Anyone may speak on an issue not included on tonight's agenda. Before speaking, please state your name and address.

A. Open to the Public

Joseph Lynn, 1005 Crabtree Court Knightdale, NC, inquired about the recently proposed dog tethering law in Knightdale.

Assistant Town Manager Seth Lawless responded that the ordinance went into effect when it was passed in October 2009.

No one else approached.

B. Report on Citizen Inquiries

None at this time.

ITEM VI. CONSENT AGENDA

A. Contract to Audit Accounts with Joyce & Company, CPA

Accept the proposed Contract to Audit Accounts, for the Fiscal Year Ended June 30, 2010.

B. Property Tax Adjustments- October 2009

Accept property tax rebates and adjustments for the month of October 2009.

...Motion by Councilor Eddins to adopt the Consent Agenda. Motion seconded by Councilor Gleason and carried unanimously.

ITEM VII. ACTIONS REQUIRING PUBLIC HEARINGS

When speaking during a public hearing, please state your name and address clearly before speaking. Please designate a spokesperson for large groups. If you anticipate speaking tonight, please print your name and address on the form located on the entry table. If the Mayor announces that the hearing is a quasi-judicial public hearing, all speakers must be administered an oath by the Town Attorney. Everyone must speak from the podium to assure an accurate record of testimony.

A. Manufactured Housing Clarifications
ZTA-12-09

Public hearing opened at 7:08 p.m.

Planning Director Chris Hills requested that the public hearing be continued to the January 20, 2010 Town Council Meeting due to the recent holidays and associated conflicts in scheduled meeting times.

...Motion by Councilor Poirier to continue the public hearing to the January 20, 2010 Town Council Meeting. Motion seconded by Mayor Pro Tem Chalk and carried unanimously.

B. Langston Ridge UAA Amendment

Public hearing opened at 7:10 p.m.

Interim Town Attorney David York reported that the utility allocation agreement amendment of the Langston Ridge subdivision development agreement is still in the draft phase. He noted that changes were made to Sections, III, IV, and Appendix G. He recommended Council to continue the public hearing to the next meeting to give both parties involved more time to review and draft the amendment.

...Motion by Councilor Gleason to continue the public hearing until the January 20, 2010 meeting. Motion seconded by Councilor Poirier and carried unanimously.

ITEM VIII. SET PUBLIC HEARINGS

None at this time.

ITEM IX. TOWN ATTORNEY

None at this time.

ITEM X. OLD BUSINESS

A. Mobile Home District Amendment- Part 2
ZMA-2-09
Ordinance #10-01-04-001

Planner II Jeff Triezenberg presented an ordinance to amend the unified development ordinance including the zoning map amendment describing 27 parcels in the Town's jurisdiction to ensure that the manufactured home development district has been

properly applied to manufactured home neighborhoods and mobile home parks; is consistent with the comprehensive plan's stated goals of providing balanced and responsible urban design, planning and development; and promoting and identifying neighborhoods which offer adequate and affordable shelter.

...Motion by Councilor Gleason to adopt statement of plan consistency and reasonableness of action, approve ZMA-2-09 and adopt ORD#10-01-04-001. Motion seconded by Councilor Eddins and carried unanimously.

- B. Permanent Makeup Tattooing
ZTA-9-09
Ordinance #10-01-04-002

Mr. Triezenberg presented an ordinance to amend the unified development ordinance which included a zoning text amendment to amend chapter 19 to expand the definition of professional services to include permanent make-up tattooing. He briefly described the minor details of staff recommendations of the proposed amendment.

...Motion by Councilor Poirier to adopt statement of plan consistency and reasonableness of action, to approve ZTA-9-09 in its alternative form, and adopt ORD#10-01-04-002. Motion seconded by Mayor Pro Tem Chalk and carried unanimously.

- C. Internet Sweepstakes Center
ZTA-10-09
Ordinance #10-01-04-003

Mr. Triezenberg presented an ordinance to amend the Unified Development Ordinance which includes a zoning text amendment to amend Chapters 2,3 & 19 to add a new use, permitted zoning districts, method of permitting, definition and additional standards for sweepstakes centers.

He reported that the LURB committee recommended Council deny the proposal as it stands, requesting that they receive more information on the matter.

Mayor Killen inquired about wording in the Chapter 19 definitions. He also asked about how Knightdale's proposed ordinance compares to the one already established in Wilson.

Mr. Triezenberg stated that ordinances are similar in nature but some variation in actual specifics.

Councilor Poirier inquired about examples of locations these centers would be located if the ordinance is passed.

Mr. Triezenberg stated that potential locations in Knightdale could be areas such as Midway Shopping Center, Eastpoint Shopping Center, and the Interchange of Bypass and Hodge Road.

Councilor Poirier expressed concern about penalizing the currently operating center, Proprietors Internet Café Sweepstakes Center, by passing this ordinance after this center has already been established.

Benjamin Kuhn, 127 W. Hargett Street, Raleigh, spoke on behalf of Proprietors Internet Café Sweepstakes Center, gave an update on the status of his clients lease addressed in the public hearing of this matter during the December 7, 2009 Town Council Meeting.

Mike Grace, 301 North Main Street, Wake Forest, spoke on behalf of H&L Enterprises, reported that they are proposing to open Internet Café in Knightdale. He described the nature of the business operating model and requested that Council not require restrictions to the business operations.

Mayor Killen responded that Council has concerns about the hours and locations of the operations for these centers. He suggested that Council pass the proposed ordinance and work out amortization language in reference to the established center, Proprietors Internet Café Sweepstakes Center, outside of the ordinance.

Interim Town Attorney David York recommended Council to pass the ordinance and further negotiate with that establishment a settlement agreement that spells out amortization outside of the ordinance.

...Motion by Mayor Pro Tem Chalk to adopt statement of plan consistency and reasonableness of action, to approve ZTA-10-09 as amended, and adopt ORD#10-01-04-003. Motion seconded by Councilor Gleason and carried unanimously.

- D. Monument Sign Structure Architectural Compatibility
ZTA-11-09
Ordinance #10-01-04-004

Mr. Triezenberg presented an ordinance to amend the Unified Development Ordinance which includes a zoning text amendment to amend Section 12.7(D) to add a requirement for monument signs to be architecturally compatible with the associated primary structure in terms of materials used. He noted that this would affect new signs only.

...Motion by Councilor Eddins to adopt statement of plan consistency and reasonableness of action, to approve ZTA-11-09, and adopt ORD#10-01-04-004. Motion seconded by Councilor Gleason and carried unanimously.

ITEM XI. NEW BUSINESS

Fee Schedule Amendment for Sweepstakes Uses

Town Manager Gary McConkey presented a proposal to amend the fee schedule under privilege license, schedule C to include a new type of business, "Sweepstakes." He stated the details of requirements and definitions of the amendment and reported that the Town Attorney's office has reviewed and approved this proposal.

...Motion by Mayor Pro Tem Chalk to amend the current year Fee Schedule, Privilege License, Schedule C to add: Sweepstakes \$500 per machine, as defined above. Motion seconded by Councilor Eddins and opposed by Councilor Poirier. Motion carried 3 to 1.

ITEM XII. OTHER BUSINESS

Mayor Killen reported that the Triangle Transit Knightdale Express Route began today.

ITEM XIII. COMMITTEE REPORTS

A. Planning and Engineering

Councilor Gleason reported that there is no Planning and Engineering meeting on Monday.

B. Budget

Mayor Pro tem Chalk reported that the Finance committee will have their first meeting of the year on Wednesday, January 20, 2010.

C. Public Safety

Councilor Eddins stated that the next Public Safety meeting will be held on the first Monday in February.

D. Nominating

E. Liaison Reports

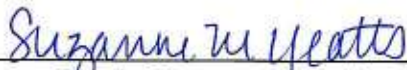
ITEM XIV. CLOSED SESSION FOR LEGAL OR PERSONNEL MATTERS

ITEM XV. ADJOURNMENT

**...Motion by Councilor Eddins to adjourn at 8:00 p.m.
Motion seconded by Councilor Poirier and carried
unanimously.**



Mayor Russell B. Killen



Town Clerk Suzanne M. Yeatts